

# Notice of Allowability

Application No.

10/527,529

Examiner

Rosalynd Keys

Applicant(s)

WULFF ET AL.

Art Unit

1621

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment, terminal disclaimer and remarks filed July 23, 2007.
2. ☒ The allowed claim(s) is/are 10-13, 15, 16, 18 and 20 (now claims 1-8).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard L. Chinn, Ph.D. on October 10, 2007.

The application has been amended as follows:

- 1) The status of claim 18 is updated to (previously presented), since the claim is not currently amended.
- 2) The dependency of claim 18 is amended to depend from claim 10, since claim 14 is a cancelled claim.

### **Allowable Subject Matter**

1. Claims 10-13, 15, 16, 18 and 20 (now claims 1-8) are allowed.

The following is an examiner's statement of reasons for allowance: The following arguments are persuasive: 1) Applicants' arguments on page 7 under the heading *Clement Et Al. Fails To Disclose The Claimed Double Metal Cyanide Compound* and 2) Applicants' arguments on pages 9-11 under the heading *Applicants Observe An Unexpected Drop In Induction Time Without Loosing Catalyst Activity for a temperature range of 140-155°C*. Thus the rejections in the previous office action, mailed April 23, 2007, are withdrawn and the instant claims allowable over the prior art of record.

***Terminal Disclaimer***

2. The terminal disclaimer filed on July 23, 2007 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of U.S. Patent No. 7196030 has been reviewed and is accepted. The terminal disclaimer has been recorded. The nonstatutory obviousness-type double patenting rejection in the previous office action, mailed April 23, 2007, is withdrawn.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rosalynd Keys whose telephone number is 571-272-0639. The examiner can normally be reached on M, R & F 5:30-7:30 am & 1-5 pm; T & W 5:30 am-4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached on 571-272-0871. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rosalynd Keys/  
Primary Examiner  
Art Unit 1621

October 10, 2007

# Examiner's Amendment

Application No. 10/527,529  
Reply to Office Action of April 23, 2007

Claim 12 (Previously Presented): The process according to claim 10, wherein  $M^1$  is  $Zn^{2+}$  and  $M^2$  is  $Co^{3+}$ .

Claim 13 (Previously Presented): The process according to claim 10, wherein the at least one alkylene oxide is ethylene oxide or propylene oxide.

Claim 14 (canceled):

Claim 15 (Previously Presented): The process according to claim 10, wherein the alcohol is 2-propylheptanol or an isomer mixture thereof.

Claim 16 (Previously Presented): The process according to claim 10, wherein the sum of inert gas partial pressure and alkylene oxide partial pressure is from 1.5 bar to 6.0 bar during the induction phase.

Claim 17 (canceled)

Claim 18 (~~currently amended~~ <sup>previously presented</sup>): The process according to claim ~~14~~ <sup>10</sup>, wherein the Guerbet alcohol is selected from the group consisting of propylheptanol and butyl octanol.

Claim 19 (canceled)

Claim 20 (previously presented): The process according to claim 10, wherein the reaction is carried out at a temperature of from 140°C to 150°C.